STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Joint Submission of the Amended Plan of Record for Operations Support Systems ("OSS")	)))	Docket No. 00-0592

FINAL STATEMENT OF POSITION OF 21ST CENTURY TELECOMMUNICATIONS OF ILLINOIS, INC., AN RCN CORPORATION COMPANY

Carrie J. Hightman
Latrice Kirkland
SCHIFF HARDIN & WAITE
6600 Sears Tower
Chicago, IL 60606
(312) 258-5657
(312) 258-5700 (fax)

Attorneys for
21ST CENTURY TELECOMMUNICATIONS
OF ILLINOIS, INC.,
an RCN CORPORATION company

DATED: October 13, 2000

TABLE OF CONTENTS

21st Century Telecommunications of Illinois, Inc., an RCN Corporation company, by its attorneys, hereby files its Final Statement of Position Related to the Joint Submission for Arbitration Per Ameritech's Amended Plan of Record for Operational Support Systems ("OSS").

I. INTRODUCTION

RCN, through its operating groups, is a provider of cable, Internet and telecommunications services. 21st Century Telecommunications of Illinois, Inc. ("21st Century") is a wholly owned subsidiary of RCN and is certificated to provide competitive local exchange service in Illinois. 21st Century provides facilities-based POTS services to residential customers in the metropolitan Chicago area. 21st Century builds its network to the central offices in which it has collocated facilities. 21st Century has offered facilities-based service in Illinois since 1998. (21st Century Initial Comments, 21st Century Ex. 2, p. 1)

21st Century's goal is to provide service to an area as soon as possible after making the business decision to do so. In order to do so, it relies on various aspects of SBC/Ameritech's OSS. Among the most important pre-ordering functions needed by 21st Century is information concerning the location of dark fiber, digital loop carriers systems ("DLC") and available copper facilities. (21st Century Initial Comments, 21st Century Ex. 2, p. 1) As discussed below, SBC/Ameritech does not have an electronic process in place through which CLECs can readily obtain this needed information. If 21st Century's position is adopted, that information will be made available in a more timely way, which will allow CLECs to compete more effectively with SBC/Ameritech.

II. DISCUSSION OF DISPUTED ISSUE 94

Disputed Issue 94:	**Dark Fiber/Copper Inquiry Process**
Statement of Issue:	**CLECs require the ability to make inquiries of SBC/Ameritech regarding the placement and availability of dark fiber, digital loop carriers and spare copper loops at specific locations. The current process for obtaining this information from SBC/Ameritech is manual and too time consuming. SBC/Ameritech must respond to such inquiries within 24 hours. In addition, the process should be changed to an electronic inquiry process by March 1, 2001.**
Competitive Ramifications:	**CLECs are unable to quickly determine the placement and availability of dark fiber, and whether digital loop carriers and spare copper loops exist at specific locations. It is essential that CLECs are provided this information quickly, in order to meet service commitments to their customers. The delay inherent in the current process puts CLECs at a competitive disadvantage to SBC/Ameritech, since SBC/Ameritech has this information readily available to it. Rejection of the CLEC position will result in a continuation of significant delays in obtaining information and, therefore, in providing service to CLEC customers.**
POR Language:	**The following language should be added to Section III.B of the POR.** **Dark Fiber/Copper Inquiry Process** **SBC/Ameritech shall immediately provide CLECs access to information regarding the availability of dark fiber, digital loop carrier systems and copper facilities, upon inquiry, equivalent to that provided to its retail**

operation and/or affiliates. SBC/Ameritech will respond to all such inquiries within 24 hours. Information that is not available in SBC/Ameritech electronic databases will be provided to the requesting CLEC manually in a mutually agreeable form within the same time frame that the information is available to SBC/Ameritech's retail operation and/or affiliates. This function will be made available for Ameritech Illinois via the application-to-application and GUI interfaces by March 1, 2001.

A. Introduction

The existence of certain facilities on SBC/Ameritech's network is critical information for CLECs to plan to serve their customers. At issue is information concerning three specific types of facilities: dark fiber, digital loop carriers and spare copper loops. Although dark fiber can be used by CLECs as part of their infrastructure, SBC/Ameritech does not have dark fiber in place throughout its network. However, CLECs do not know where dark fiber exists. Similarly, if SBC/Ameritech has a digital loop carrier ("DLC") system in place in a particular location, or if it proposes to provide an unbundled loop via a pair gain device where no spare copper loops are available, it becomes more complicated for CLECs to obtain unbundled loops to serve their customers in those locations. CLECs are unaware of the existence (or lack thereof) of these facilities. For these reasons, it is essential that CLECs have ready access to information concerning these facilities on SBC/Ameritech's network. (21st Century Initial Comments, 21st Century Ex. 2, p. 2)

The current process offered by SBC/Ameritech to allow CLECs to inquire regarding the placement and availability of facilities at specific SBC/Ameritech locations is too time-

consuming and paper-intensive, and does not provide enough information. SBC/Ameritech has access to information regarding where DLCs and dark fiber are in place on its network, and where no spare copper loops are available, all in mechanized systems available to its network planners and engineers for purposes of accounting, monitoring capacity, and placing orders. CLECs should have an equivalent interface available to them that allows them to identify where DLCs and dark fiber are located, and where there are no spare copper loops, in order to be able to better serve their customers. (21st Century Initial Comments, 21st Century Ex. 2, p. 2)

The Federal Communications Commission ("FCC") has made clear that the non-discrimination principles of the Telecommunications Act of 1996 (47 U.S.C. §§ 151 et seq.) ("1996 Act") require incumbent local exchange carriers like SBC/Ameritech to provide CLECs with information that "exists anywhere within the incumbent's back office and can be accessed by any of the incumbent LEC's personnel." In the Matter of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, ¶ 430 ("UNE Remand Order").

There can be no question that access to OSS is critical to a CLEC's ability to compete. Thus, the UNE Remand Order requires that CLECs be permitted the same level of access to data as ILECs enjoy themselves. The UNE Remand Order states that "to the extent that [ILEC] employees have access to the information in an electronic format, that same format should be made available to new entrants via an electronic interface." UNE Remand Order, ¶ 429. The evidence submitted in this proceeding demonstrates that the information requested by 21st Century already exists in SBC/Ameritech's OSS and is

available to its employees. Thus, the information should be made available to CLECs in the same manner and time frame. (21st Century's Initial Comments, 21st Century's Ex. 2, p. 2)

B. Dark Fiber

When SBC/Ameritech installs fiber cable, it installs the amount needed to meet both current and future needs. (Tr. 1078-79) Unless electronics are placed on either end of the fiber, it cannot transmit telecommunications service. UNE Remand Order, ¶ 325. Fiber that is not "lit" when it is installed is referred to as "dark fiber." It is also referred to as "spare" fiber, since it is available for future use. (Tr. 1082) The FCC has concluded that dark fiber is an unbundled network element ("UNE") to which ILECs are required to provide CLECs access. UNE Remand Order, ¶ 326. At issue is the OSS related to SBC/Ameritech's dark fiber.

During the period of time after deciding to serve an area and before building its outside plant, 21st Century prefers to utilize dark fiber between central offices to turn up its transmission systems and begin providing service. Dark fiber is preferable to leased circuits because of the inherent protection offered by a ring topology. In addition, since 21st Century's equipment will ultimately be connected to its own fiber, that equipment can easily be migrated from SBC/Ameritech's dark fiber to 21st Century's plant. Dark fiber also offers cost savings since use of a leased DS3, which is the alternative to dark fiber, would require an additional multiplexer to break down the signal to DS1s. Moreover, utilizing fiber at the outset allows 21st Century to use its current standard operating environment equipment that goes from an optical carrier signal directly to electrical DS1s. (21st Century's Initial

Comments, 21st Century's Ex. 2, p. 3) Thus, dark fiber is critical to 21st Century's successful operation in Illinois.

CLECs should be able to order dark fiber as easily as they order copper, but that is not the case. Because fiber is not as ubiquitous as copper, before 21st Century can place an order for it, 21st Century has to make an inquiry as to the availability of fiber at the particular location. SBC/Ameritech's proposed inquiry process begins by submitting an Access Service Request ("ASR"). After the availability inquiry is made, 21st Century must use the same ASR process again to actually place the order for the fiber. In effect, 21st Century has to place two orders for a single fiber facility. This process is clearly redundant and inefficient. (21st Century's Initial Comments, 21st Century's Ex. 2, p. 3)

SBC/Ameritech's current policy is to respond to dark fiber inquiries within five business days for one to ten inquiries, within ten business days for eleven to twenty inquiries and in over twenty-one business days for more than eleven inquiries.[1] Prior to August 22nd, SBC/Ameritech's policy was to respond to dark fiber inquiries within ten business days. (Amer. Initial Comments, Amer. Ex. 15, p. 84) The evidence establishes that SBC/Ameritech is not meeting these intervals.

21st Century made its first inquiry regarding dark fiber back on July 27th. (Tr. 1156) SBC/Ameritech personnel refused to address the inquiry, claiming that an interconnection agreement modification would be needed for 21st Century to order dark fiber. (Tr. 1156-57)

---

[1]At the hearing a question was raised regarding whether these particular intervals are mandated by the UNE Remand Order. (See Tr. 1111-12) These intervals are not set forth in the UNE Remand Order. Indeed, the UNE Remand Order requires that the information be made available to the CLECs in the same manner and time frame as it is made available to the ILEC itself. UNE Remand Order, ¶¶ 427-30. Thus, these protracted time frames do not meet the requirements of the UNE Remand Order.

SBC/Ameritech was incorrect. On August 2nd, 21st Century was advised that it could order dark fiber under its current interconnection agreement. (Tr. 1157) However, 21st Century was advised to use TCNet to make those inquiries. 21st Century did so in the manner that it normally uses TCNet, by sending the ASR to its account manager. After doing so, it was informed that the process for inquiring as to dark fiber was different and that the inquiry had to be sent to Milwaukee. (Tr. 1157-58) 21st Century made the inquiry and it was accepted in mid-September, and an oral response was received on October 3rd. (Tr. 1152-53) Thus, it took about fifteen to twenty days from the date of the ASR, but over three months from the initial inquiry, to obtain a response. (Tr. 1153, 1158)

In any event, SBC/Ameritech's current intervals for responding to dark fiber inquiries are too long. SBC/Ameritech is able to obtain information concerning the availability of dark fiber for its own needs fairly readily. (Tr. 1148) While SBC/Ameritech claims otherwise, the information regarding the existence of dark fiber on SBC/Ameritech's network is in mechanized databases, including TIRKS. Under the non-discrimination requirements of the 1996 Act, SBC/Ameritech must provide such information to CLECs as quickly as it provides it to itself. Thus, SBC/Ameritech should be required to respond to dark fiber inquiries within 24 hours. (Tr. 1149-50)

SBC/Ameritech will likely continue to argue in its final comments that it does not have information concerning dark fiber in its Trunk Inventory Record Keeping System ("TIRKS"). 21st Century witness Rolando Palacios was formerly employed by SBC/Ameritech as an interoffice facilities engineer. He had experience with the TIRKS database and testified as follows:

Q. And in the process of using [TIRKS], are you telling me that you knew that dark fiber was included in that database?

A. [By Mr. Palacios] Well, they don't call it dark fiber, but yes, spare fiber is included in the database.

Q. They just call it spare fiber capacity?

A. They just it spare fiber.

Q. Spare fiber, which from what we've been discussing would be the same as dark fiber?

A. That's right.

(Tr. 1154) The two SBC/Ameritech witnesses gave different answers on this issue. Mr. Silver responded that he did not know whether TIRKS records spare capacity.[2] (Tr. 1085) Mr. Welch appeared to make a semantics distinction between dark fiber and spare fiber.[3] (Tr. 1085-86) In any event, the Commission should conclude that this information is readily available in mechanized databases and that it must be made readily available to the CLECs.

Indeed, it defies logic to believe that a company the size of SBC/Ameritech could operate and maintain its network without having information concerning dark fiber readily available. The description provided by SBC/Ameritech's witnesses of the manual process for dark fiber inquiries illustrates an entirely inefficient and haphazard process. It is apparently up to the discretion of the individual engineer whether a site visit is needed to determine if dark fiber is available to respond to a particular request. The testimony on this point was incredible:

---

[2]Mr. Silver is employed by SBC and has no network responsibilities. (Tr. 1096)

[3]However, he is not employed by Ameritech and never was. (Tr. 1093)

Q. What would make you -- what would make you suspect that the paper records that you had were incomplete with respect to -- whether or not there was dark fiber?

A. [By Mr. Welch] . . . So if you think of it from -- if you have conduits running all through downtown Chicago, where we are, and you have fibers that are available through those certain conduit hubs, if you will, are going to be busier than other areas. And by busier I'm saying it may intersect more fibers from different places. Over time, you will have used some of those fibers, and you may not know as time moves on exactly how accurate your records are. So again, it's going to be an engineering judgment based upon the person that's responsible for that geography. And if they have been working in that area, and they know that recently we just turned up more fiber in that area, we did some splicing work there, my records are going to be more accurate. Or he might think, I've recently been given this new geography, and so I'm not exactly sure how accurate the records are. And in that case, might dispatch someone out to look at it. It's just going to vary, dependent upon what the engineer is aware of.

(Tr. 1136-38) Notwithstanding this testimony, the SBC/Ameritech witness was forced to admit that most dark fiber inquiries to date have not required field visits. (Tr. 1100)

It is difficult to believe that a large company like SBC/Ameritech has no easy way, short of site visits, to determine the availability of dark fiber on its network. As SBC/Ameritech's own witness acknowledged, it is necessary for SBC/Ameritech to know where its facilities are in order for its network to operate efficiently and for it to meet service requests. (Tr. 1086) Moreover, as Staff pointed out, "[p]oor record keeping should not be used by any corporation to continue the same process of poor record keeping which results in additional manual steps/labor for its employees while increasing customer request response times (retail as well as wholesale)." (Staff Initial Comments, Staff Ex. 2, p. 57)

However, even were the Commission to accept SBC/Ameritech's factual assertion that dark fiber information is not contained in mechanized data bases, it should consider Staff's position, as reflected in its initial comments:

> This, however, should not preclude Ameritech from moving towards a more organized and efficient record keeping system for its own network information (including dark fiber). . . . Ameritech should not only have a complete inventory of fiber for itself but should have one available to respond to CLEC requests. . . . Staff recommends that Ameritech should be looking to the future to determine the best way to update and keep their records of facility information including dark fiber in a centralized and mechanized manner. . . . Ameritech should present the Commission with its plans to mechanize their facility inventory records within six months from the completion of this arbitration proceeding. In the mean time, Ameritech should institute new practices to ensure that the paper records of the Central Offices are kept up to date.

(Staff Initial Comments, Staff Ex. 2, pp. 57-58) SBC/Ameritech conceded that it is technically possible to include dark fiber in the TIRKS data base. (Tr. 1105-06) While 21st Century agrees with the crux of Staff's position, it believes that the process Staff proposes for mechanizing this information should be completed in sooner than six months.

If the problems with timely obtaining information concerning dark fiber are not resolved, CLECs will have no choice but to order the more costly leased circuits. (21st Century Initial Comments, 21st Century Ex. 2, p. 3) The result would be to effectively make this UNE unavailable, in violation of the 1996 Act. For all these reasons, a mechanized interface for the pre-ordering process for dark fiber should be implemented that allows CLECs to timely receive information concerning the availability of dark fiber, i.e., within 24 hours.

C. DLCs and Spare Copper Loops

If there is no spare copper loop available to fulfill a CLEC unbundled loop order and SBC/Ameritech provides the loop via a pair gain device, or if a loop is served via DLCs, additional time and expense is required to obtain the loop. CLECs should be able to find out where DLCs are located and where no copper facilities are available in order to be able to provide their customers accurate information regarding the service they can obtain from the CLECs. Indeed, given the additional time and expense associated with these situations, CLECs should have adequate information to determine whether to even offer their service in these areas. (21st Century Initial Comments, 21st Century Ex. 2, p. 2)

Currently, CLECs are not given information concerning these facilities with which they can make these business decisions. Instead, 21st Century finds out on an order-by-order basis the location of such equipment. This leads to unnecessary customer delays in service and, sometimes, No-Dial-Tone situations. SBC/Ameritech should be required to give access to CLECs to all databases, back-office systems and other OSS in which information concerning the existence of DLCs and copper facilities is housed. If this is required, CLECs would have advance notice of problem areas and could make contingency plans for serving customers, if necessary. (21st Century Initial Comments, 21st Century Ex. 2, p. 2)

III. CONCLUSION

For the foregoing reasons, 21st Century Telecommunications of Illinois, Inc., an RCN Corporation company, respectfully requests that the Commission order SBC/Ameritech to

amend its Plan Of Record to allow CLECs access to information concerning the placement and availability of dark fiber, DLCs and copper loops, as described herein.

DATED: October 13, 2000

Respectfully submitted,

Carrie J. Hightman
Latrice Kirkland
SCHIFF HARDIN & WAITE
6600 Sears Tower
Chicago, IL 60606
(312) 258-5657
(312) 258-5700 (fax)

Attorneys for
21ST CENTURY TELECOMMUNICATIONS OF ILLINOIS, INC.,
an RCN CORPORATION company

STATE OF ILLINOIS)
)
COUNTY OF COOK)

VERIFICATION

I, Carrie J. Hightman, being first duly sworn upon oath depose and say that I am an attorney for 21st Century Telecommunications of Illinois, Inc.; that I am authorized to make this Verification on its behalf; that I have read the above and foregoing Final Statement of Position of 21st Century Telecommunications of Illinois, Inc., an RCN Corporation company, by me subscribed and know the contents thereof; and that said contents are true and correct to the best of my knowledge, information and belief.

Carrie J. Hightman

Attorney for
21ST CENTURY TELECOMMUNICATIONS OF ILLINOIS, INC.,

Subscribed and Sworn
to before me this
13th day of October 2000.

"OFFICIAL SEAL"
CHRISTINE W. HALLER
Notary Public, State of Illinois
My Commission Expires 03/16/03

CHI_DOCS1:CS1\329652.1 10.13.00 13:16